

Public Law 95-140  
95th Congress

An Act

Oct. 21, 1977

[S. 1372]

To amend title 10, United States Code, to abolish one of the two positions of Deputy Secretary of Defense and establish the position of Under Secretary of Defense for Policy and to change the title of the Director of Defense Research and Engineering to the Under Secretary of Defense for Research and Engineering.

Defense  
Department.  
Deputy and  
Under  
Secretaries of  
Defense.  
Position changes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 134 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out “There are two Deputy Secretaries” in the first sentence and inserting in lieu thereof “There is a Deputy Secretary”, and by striking out “a” in the second sentence immediately before “Deputy Secretary”;

(2) in subsection (b), by striking out “Deputy Secretaries” in the first sentence and inserting in lieu thereof “Deputy Secretary” and by striking out “Deputy Secretaries, in the order of precedence, designated by the President” in the second sentence and inserting in lieu thereof “Deputy Secretary”;

(3) in subsection (c), by striking out “The Deputy Secretaries take” and inserting in lieu thereof “The Deputy Secretary takes”; and

(4) in the section heading, by striking out “Deputy Secretaries” and inserting in lieu thereof “Deputy Secretary”.

(b) The item relating to section 134 in the analysis of chapter 4 of title 10, United States Code, is amended by striking out “Deputy Secretaries” and inserting in lieu thereof “Deputy Secretary”.

SEC. 2. (a) (1) Subsection (a) of section 135 of title 10, United States Code, is amended to read as follows:

“(a) There are two Under Secretaries of Defense, one of whom shall be the Under Secretary of Defense for Policy and one of whom shall be the Under Secretary of Defense for Research and Engineering. The Under Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed Under Secretary of Defense for Policy within ten years after relief from active duty as a commissioned officer of a regular component of an armed force.”

(2) Subsection (b) of such section is amended by striking out “The Director performs” and inserting in lieu thereof “The Under Secretary of Defense for Policy shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. The Under Secretary of Defense for Research and Engineering shall perform”.

(3) Subsection (c) of such section is amended by striking out “Director” and inserting in lieu thereof “Under Secretary of Defense for Policy”, by striking out “Deputy Secretaries” and inserting in lieu thereof “Deputy Secretary”, and by adding at the end thereof the following new sentence: “The Under Secretary of Defense for Research and Engineering takes precedence in the Department of Defense immediately after the Under Secretary of Defense for Policy.”

Under Secretary  
for Policy and  
Under Secretary  
for Research and  
Engineering.

(4) The section heading for such section is amended by striking out “**Director of Defense Research and Engineering**” and inserting in lieu thereof “**Under Secretaries of Defense**”.

(b) The item relating to section 135 in the analysis of chapter 4 of title 10, United States Code, is amended by striking out “**Director of Defense Research and Engineering**” and inserting in lieu thereof “**Under Secretaries of Defense**”.

SEC. 3. (a) Section 136(e) of title 10, United States Code, is amended to read as follows:

“(e) The Assistant Secretaries take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(b) (1) Clause (2) of section 171(a) of title 10, United States Code, is amended by striking out “a” and inserting in lieu thereof “the”.

(2) Clause (6) of such section is amended to read as follows:

“(6) the Under Secretaries of Defense;”.

(c) Section 303(c) of the Internal Security Act of 1950 (50 U.S.C. 833(c)) is amended by striking out “Deputy Secretaries” and inserting in lieu thereof “Deputy Secretary”.

(d) (1) Section 5313(1) of title 5, United States Code, is amended to read as follows:

“(1) Deputy Secretary of Defense.”.

(2) Section 5314(32) of such title is amended to read as follows:

“(32) Under Secretaries of Defense (2).”.

Approved October 21, 1977.

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#### LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-519 (Comm. on Armed Services).

SENATE REPORT No. 95-234 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 9, considered and passed Senate.

Sept. 19, considered and passed House, amended.

Oct. 6, Senate concurred in House amendments.